

Applicant asserts that the written description of the invention, which includes the drawings and data tables, adequately describes each rejected claim. This is evidenced by several adjudicated instances. For example an applicant may show possession of an invention by disclosure of drawings... that are sufficiently detailed to show that applicant was in possession of the claimed invention as a whole See Vas Cath, 19USPQ at 1118 ("drawings alone may provide a "written description of an invention as required by Sec112". See also Autogiro Co. V United States, 384F.2d 391, 398 ("in those instances where a visual representation can flesh out words, drawings may be used in the same manner and with the same limitations as the specifications").

In addition, it is important to note that the parent application was issued as US Patent 6,051,177 indicating that the written description of the invention, which includes the drawings and data tables, adequately described each rejected claim.

5. Please cancel Claims 10 through 18 and substitute Claims 19 through 27 as follows:

19. A nonwoven web having elastic properties in the cross-machine direction wherein the anisotropic precursor web consists essentially of thermally bonded thermoplastic and non-thermoplastic fibers, said nonwoven web containing from 60 to 100% thermoplastic fibers and the remainder non-thermoplastic fibers, said precursor web being continuously drawn within a web heating means by a multiplicity of drawing means wherein the heated web is subjected to a variable tension means sufficient to provide a strain rate of at least 3.5 in./in./minute but equal to or less than 8 in./in./minute, said strain rate calculated based on the apparent gage length between individual elements of said tension means, whereby the resultant web is characterized by a narrowing of its lateral dimension, an increase in its length, an increase in web thickness and the development of a web elasticity of at least 85% recovery after being elongated at least 50% in the direction perpendicular to and in the same plane as the drawing forces.

- 2 20. The nonwoven web of Claim 19 wherein the thermoplastic fibers are selected from the group consisting of polyolefins, polyesters, polyamides, and their respective copolymers.
- 3 21. The nonwoven web of Claim 19 wherein said non-thermoplastic fibers are selected from the group consisting of natural cellulosics, regenerated cellulosics, natural fibers, glass, inorganic fibers and metallic fibers.
- 4 22. The web of claim 19 wherein said precursor web is laminated to a thermoplastic elastomeric film.
- 5 23. The nonwoven web of Claim 19 wherein said precursor web is a thermally bonded laminate or composite consisting of two or more thermoplastic webs selected from the group consisting of spunbonded nonwovens, meltblown nonwovens, thermally bonded carded nonwovens, thermoplastic foams and thermoplastic films.
- 6 24. A nonwoven web having elastic properties in the machine direction wherein the anisotropic precursor web consists essentially of thermally bonded thermoplastic and nonthermoplastic fibers, said nonwoven web containing from 60 to 100% thermoplastic fibers and the remainder nonthermoplastic fibers, said precursor web being continuously drawn within a web heating means by a multiplicity of drawing means wherein the heated web is subjected to a variable tension means sufficient to provide a strain rate of at least 3.5 in./in./minute but equal to or less than 8 in./in./minute, said strain rate calculated based on the apparent gage length between individual elements of said tension means, whereby the resultant web is characterized by a reduction of its length dimension, an increase in its lateral dimension, an increase in web thickness and the development of a web elasticity of at least 85% recovery after being elongated at least 50% in the direction perpendicular to and in the same plane as the drawing forces.

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7 25. The nonwoven web of Claim 24 wherein said thermoplastic fibers are selected from the group consisting of polyolefins, polyesters, polyamides, and their respective copolymers.

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8 26. The nonwoven web of Claim 24 where said nonthermoplastic fibers are selected from the group consisting and natural cellulosics, regenerated cellulosics, natural fibers, glass, inorganic fibers or metallic fibers.

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9 27. The nonwoven web of Claim 24 where the precursor web is a thermally bonded laminate comprising two or more thermoplastic webs selected from the group including spunbonded nonwovens, meltblown nonwovens, thermally bonded carded nonwovens, thermoplastic foams and thermoplastic films.

7. Traverse Of The Examiner's Assertion That The Webs Produced By The Teachings Of The Instant Application Are The Same As Those Of Hassenboehler

Claims 10-18 Were Rejected As Obvious Under 35 USC 103(a). The applicant respectfully traverses the objection that the webs produced by the teachings of the instant application are the same as those of Hassenboehler. This traverse considers several factors which the Applicant asserts are strong evidence that the products claimed are substantially different from those of Hassenboehler:

- 5/10/88
3/10/88
1. The instant Application teaches the use of a significantly lower strain rate Hassenboehler's '482. The reason for Applicant's claims to lower strain rate is that low strain rates impart a high degree of elasticity as well as rapid return to original length after being elongated. The elasticity differences as indicated in the Critical Difference table below indicate a different web morphology than Hassenboehler due to the low strain rates taught by the instant application. Additional evidence that webs produced by the instant Application have a